THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and

THE HON'BLE MR JUSTICE P. LAKSHMANA REDDY

DATED: 22-09-2005

WRIT PETITION NO : 25394 of 1998

Between:

P. Jayasheela

.. Petitioner

and

The director, Women and Child Welfare Department

And another .. respondents

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and

THE HON'BLE MR JUSTICE P. LAKSHMANA REDDY

WRIT PETITION NO : 25394 of 1998

JUDGMENT: (Per the Honourable Smt. Justice T.Meenakumari)

The present Writ Petition is filed questioning the orders, dated

18.03.1996 in Proceedings No.13892/C2/95, and its consequential proceedings No.8143/C2/95, dated 13.10.1995 and Memo No.697/Est.A1/95, dated 03.04.1997 passed by the respondents 1 and 2 and to declare the probation of the petitioner from the date of joining in duty as Junior Assistant i.e. 08.04.1987 instead of 28.02.1994, to place the petitioner's name in the confirmed seniority list of Junior Assistants at Sl.No.12 in between Smt.Lalitha and Sharada and to promote the petitioner to the post of Senior Assistant with effect from September, 1996 with all consequential benefits.

It is stated by the petitioner in the body of the affidavit filed in support of the petition that the petitioner herein has chosen to question the orders passed by the respondents
2 and 3 and in O.A.No.2009 of 2007, dated 03.03.1998 on the file of the A.P. AdministrativeTribunal, Hyderabad and the said O.A. was disposed of with certain directions.

The said O.A.No.2009 of 1997 was filed questioning the proceedings of the first respondent in Proc.No.6143/C/III/87, dated 03.04.1987 and also to declare the action of the respondents in putting the condition that she shall pass two paper test being conducted by the Andhra Pradesh Public Service Commission and Memo No.697/Estt.A1/95, dated 03.04.1997 issued by the second respondent as illegal and arbitrary.

However, the Tribunal after going into the merits of the case and also taking note of the rule position as contained in Rule 14(a)(ii) of A.P. Ministerial Service Rules, dismissed the said O.A. filed by the petitioner with a direction to make a representation to the authorities requesting them to examine her request for exemption from passing the two-paper test, which is said to have not been conducted since 1987, and on receipt of such a representation, the authorities are directed to examine the same and take appropriate action as per rules.

Heard both the counsel appearing on behalf of the parties.

The learned counsel appearing on behalf of the petitioner contended that in view of non-conducting of departmental tests by the A.P.P.S.C. the petitioner could not be regularized with effect from 1987 even though she is entitled for regularization with effect from 1987. But, however, her services have been regularized from the date of acquisition of degree qualification.

The facts in the present case go to show that the petitioner has approached the Tribunal for declaring the inaction of the respondents in conducting the examination. However, the services of the petitioner have been regularized from the year 1994 onwards.

It is an admitted fact that the qualification required for the post of Junior Assistant is 10^{th} class in the year 1982. However, the petitioner has obtained her degree in the year 1994 and therefore her services were regularized from the year1994 onwards.

Under the above circumstances, we deem it appropriate that it is a fit case where her services ought to have been regularized from 1987 onwards. But, as there was abnormal delay on the part of the petitioner also in approaching the Tribunal, we deem it proper to direct the respondents to calculate the services of the petitioner from 1987 onwards for the purpose of pension only without any monetary benefits.

With the above observations, the Writ Petition is disposed of. No costs.

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SMT.T.MEENA KUMARI, J

P.LAKSHMANA REDDY, J

Dated:22-09-2005

Ccm